

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ALVIN S. CARTER**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO.: 3:22-cv-605-HTW-LGI**

**FAIRWAY INDEPENDENT MORTGAGE COMPANY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

BEFORE THIS COURT is the Report and Recommendation [**Docket No. 9**] of the United States Magistrate Judge LaKeysha Greer Isaac. In her Report and Recommendation, filed May 31, 2024, Magistrate Judge Isaac recommended the Plaintiff's, Alvin S. Carter, civil action be dismissed without prejudice. Magistrate Judge Isaac directed the Plaintiff to file any written objections within fourteen (14) days. To date, Plaintiff has not filed any objection.

Based upon the findings and recommendation contained in the Report and Recommendation [**Docket No. 9**], this Court finds it well-taken. The Magistrate Judge found the Plaintiff failed to serve process on the Defendant and alternatively failed to timely respond to the Show Cause Order, [**Docket No. 8**], directing the Plaintiff to either serve the Defendant or show cause as to why he has not served the Defendant. The Plaintiff failed to respond. The Magistrate Judge recommended therefore dismissal of this case without prejudice, under Rule 41(b) for failure to prosecute and for failure to obey a Court order. This Court agrees with the Magistrate Judge as the Order of this Court.

This Order commensurately hereby **DISMISSES** the instant petition **WITHOUT PREJUDICE**.

**SO ORDERED this the 3rd, day of July 2024.**

/s/HENRY T. WINGATE  
**UNITED STATES DISTRICT JUDGE**